IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.2071/07

Laxman Das Chandna **Versus** State & Anr.

DATE OF ORDER :: 10/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Pradeep Mathur, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

***

Instant petition has been filed for quashing of FIR on the premise that two FIRs could not have been registered for selfsame incident. As such, subsequent FIR which was registered against him, as alleged, bearing No.447/07 dated 28th October, 2007 by complainant at Police Station Dadabari, be quashed and set aside.

Petitioner is running the business of transport and certain excisable goods were transported through his transport vehicle which was inspected by the Officer, Central Excise Department and petitioner was instructed that without any further orders, the alleged goods should not be handed over to anyone come forward to claim. On 26th October, 2007, when the officer of the department came, since no one by that time came forward to claim the excisable goods lying in the custody of petitioner as alleged one of his employee Mangilal took away the seized goods – on which FIR was registered against accused-

petitioner. Thereafter, the accused-petitioner voluntarily hurt public officer in discharge of official duty, as such further FIR was registered against him for offence u/ss.332, 353 IPC.

This court has gone through both the FIRs registered against petitioner and subsequent FIR, which has been impugned, in no manner can be said to be second FIR for the selfsame incident and it was infact with regard to voluntarily act of petitioner causing hurt to the public officer while in discharge of duty. Both the FIRs are co-related, but in no manner can be said to be for selfsame incident.

So far as submission made by counsel in respect of appreciation of report lodged against him is concerned, it is for the Investigating Officer to examine and no opinion can be expressed at this stage. Even from its perusal, prima facie commission of offence is made out.

This court does not find any justification to interfere in FIR impugned in instant petition at this stage.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.